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May 2, 2025

Via ECF: Judge Katherine Polk Failla  
Thurgood Marshall  
United States Courthouse  
Courtroom: 618  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: 1:24-cv-8005, Charmaine McFarlane / Shinji's Bar

Hon. Judge Failla,

We write with respect to 1:24-cv-8005. We represent the Plaintiff in the above titled action.

On January 22, 2025, Defendant defaulted and did not timely respond to the Complaint. Plaintiff's counsel allowed Defendant an opportunity to correct this, on January 29, 2025, rather than go through what would likely be a fruitless process of moving for a default that would only serve to waste judicial resources. On April 27, 2025, Plaintiff, her counsel, and counsel for Defendant appeared at mediation. Defendant did not appear. On April 30, 2025 Plaintiff's counsel emailed a proposed litigation schedule based on Your Honor's standard forms. No response was received.

Plaintiff has a case she must prosecute, and seeks a preliminary conference and seeks leave to file a schedule to govern the course of the litigation. Plaintiff believes that deadlines are necessary for the prosecution of this action and believes the parties should engage in some discovery before the rescheduled July 10, 2025 mediation.

Respectfully submitted,



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The Court is in receipt of Plaintiff's request for a conference to discuss a litigation schedule, ahead of the parties' July 10, 2025 mediation. (Dkt. #8). The Court has not received a submission from Defendant, although it was not required to file a response.

The Court is dismayed to hear about Defendant's lack of engagement in this case, and understands that the exchange of certain discovery materials may be helpful ahead of the mediation. The exchange of discovery in this action is currently governed by the January 13, 2025 Order, which automatically referred this case to mediation. (Dkt. #7). The parties are expected to act in compliance with the Order.

However, given Defendant's failure to comply with the Order to date, Plaintiff may submit a proposed litigation scheduled to the Court, on or before **May 20, 2025**. Plaintiff is instructed attempt to meet and confer with Defendant regarding a proposed schedule. However, should Defendant fail to respond in a timely manner, Plaintiff may submit a proposed schedule without Defendant's input.

Finally, Defendant is reminded that failure to abide by this Court's orders can result in an entry of default judgment against it. While the Court will not schedule a conference at this time, if needed, Plaintiff can renew her request for a conference at a later date.

The Clerk of Court is directed to terminate the pending motion at docket entry 8.

SO ORDERED.

Dated: May 9, 2025  
New York, New York



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HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE